

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-CV-427-FDW-DCK**

MB REALTY GROUP, INC., and
MATT BECKHAM,

Plaintiffs,

v.

THE GASTON COUNTY BOARD OF
EDUCATION, GASTON COUNTY,
W. JEFFREY BOOKER, in his capacity as
Superintendent of Gaston County Board of
Education,
and Individually, CARSTARPHEN
FAMILY FOUNDATIONS, INC.,
CATHERINE ROBERTS, and
TRACY PHILBECK,

Defendants.

**DEFENDANT TRACY PHILBECK'S
MOTION FOR EXTENSION
OF TIME TO ANSWER**

Pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure and Rule 7.1 of the Federal Local Rules of Civil Practice for the Western District of North Carolina, Defendant Tracy Philbeck ("Defendant Philbeck"), by and through counsel, hereby moves the Court for an extension of twenty-one (21) days, up to and including November 3, 2017, in which to answer or otherwise respond to Plaintiff's Complaint. In support of this Motion, Defendant Philbeck shows the Court the following:

1. Plaintiffs filed the Complaint on July 21, 2017 and filed an Amended Complaint on September 20, 2017;
2. Defendant Philbeck was served with the Amended Complaint on or about September 22, 2017;

3. The time for responding to the Plaintiffs' Complaint has not yet expired;
4. Under Rule 21(a) of the Federal Rules of Civil Procedure, Defendant Philbeck's response to the Complaint is due October 13, 2017;
5. The undersigned counsel is in need of additional time to investigate and respond to the Complaint;
6. The undersigned counsel consulted with counsel for the Plaintiff on September 27, 2017 and he consents to this extension;
7. Defendant Philbeck has not filed any previous motions for extensions with the Court;
8. This Motion is made in good faith and not for purposes of delay; and
9. A proposed Order granting the relief requested herein is submitted concurrently herewith.

WHEREFORE, Defendant Philbeck respectfully requests that the Court issue an Order extending the time within which to answer or otherwise respond to the Plaintiff's Complaint by twenty-one (21) days, up to and including November 3, 2017.

Respectfully submitted this 29th day of September 2017.

/s/ Gerald L. Liska

Gerald L. Liska
N. C. State Bar No. 36901

/s/ John H. Hasty

John H. Hasty
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CERTIFICATE OF SERVICE

Certified that on the 29th day of September, 2017, I served a copy of the foregoing Motion for Extension of Time to Answer by placement in a postpaid envelope addressed to the parties hereinafter named, at the place and address stated below, which is the last known address, and by depositing the envelope and its contents in the United States mail and/or by electronic notification:

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